

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:18-CR-452-1-FL

UNITED STATES OF AMERICA

v.

LEONID TEYF

MOTION TO AMEND JUDGMENT

Defendant Leonid Teyf, through undersigned counsel, hereby moves the Court to amend its Judgment with respect only to the recommendation of a BOP facility, so that the Amended Judgment reads: “The court recommends that he serve his term in FCI Butner, NC, or if not Butner, then another BOP facility with 500 driving miles of Defendant’s primary residence in Raleigh, NC.” As further explained below, the requested amendment is solely to assist Defendant in being designated to a facility within a reasonable distance of his minor child, rather than FCI Terre Haute, Indiana. He hopes to be visited by his minor child, whom he has not seen in almost 3 years, before his deportation. The requested amendment recommending placement in a facility within 500 driving miles of Defendant’s primary residence in Raleigh, NC is consistent with the provisions of the First Step Act, 18 U.S.C. § 3621(b). In further support of this motion, counsel shows the Court that:

1. In its Judgment [DE 648] and Amended Judgment [DE 650], the Court recommended that Defendant serve his term in FCI Butner, NC.

2. Defendant's minor child resides in North Carolina (DE 639, ¶71). Defendant has not seen his minor child since she was 8 years old, almost 3 years ago.

3. Since entry of judgment in this case on July 9, 2021, Defendant has remained in the custody of the USMS, first in North Carolina and then in a contract facility in Mississippi.

4. Upon information and belief, BOP intends to or has designated Defendant to FCI Terre Haute, Indiana, which is over 700 miles from Raleigh, NC.

5. It is believed that the requested amendment to the Judgment may facilitate BOP's designation of Defendant to a facility closer to where his minor child resides, so that the minor child may visit Defendant during his term of imprisonment and prior to his deportation.

6. The government does not take a position on the motion, and will not file a response thereto.

WHEREFORE, Defendant respectfully requests that the Court amend the Amended Judgment [DE 650] to recommend that he serve his term in Butner FCI or another facility within 500 driving miles of his primary residence in Raleigh, NC.

This the 5th day of November, 2021.

THARRINGTON SMITH, L.L.P.

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Counsel for Defendant Leonid Teyf

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing MOTION through the electronic service function of the Court's electronic filing system, as follows:

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This the 5th day of November, 2021.

/s/ F. Hill Allen
Counsel for Defendant